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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,896	10/17/2003	Nitin Jhingan	END920030059US1 (16844)	9806
23389 7590 05/15/2008 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			EXAMINER LIOU, ERIC	
			ART UNIT 3628	PAPER NUMBER
			MAIL DATE 05/15/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/687,896	<b>Applicant(s)</b> JHINGAN, NITIN	
	<b>Examiner</b> Eric Liou	<b>Art Unit</b> 3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 19-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. Applicant has amended claims 1-2, 5-6, 19, and 22 and added claim 23. Claims 7-18 are cancelled. Thus, claims 1-6 and 19-23 remain pending and are presented for examination.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-6 and 19-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. The Examiner acknowledges the amended claims and withdraws the previous rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou, U.S. Publication No. 2002/0099796 in view of Katzman et al., U.S. Publication No. 2002/0046051.

5. **As per claim 1**, Chou teaches a method of creating and providing information about a requisition order, comprising the steps:

providing an automated agent for receiving and identifying a set of inquiries about the requisition order, and for each identified inquiry, preparing an associated response (Chou: Fig. 1, “110” and “118”; Fig. 3, “322”; paragraphs 0008, 0025-0026, “web server software”; 0033-0034);

a user transmitting to the agent one of said set of inquiries (Chou: paragraphs 0009; 0011; 0024; 0045-0046);

the agent identifying the transmitted inquiry and preparing the associated response (Chou: paragraphs 0025; 0045-0046);

using the system to send said associated response from the agent to the user (Chou: paragraph 0045)

6. Chou does not explicitly teach the user initiates a session with the agent via an instant messaging system; and the user and the agent interactively communicate during said session via the instant messaging system to create the requisition order.

7. Katzman teaches an electronic concession stand application that provides users with the ability to order items via a network (Katzman: paragraphs 0026; 0028). Katzman further teaches a user requests an order of goods by sending an instant message to a number of suppliers (Katzman: paragraph 0099). In response, Katzman further teaches a supplier sends an instant message back to the user with details of the requested order (Katzman: paragraph 0100).

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Chou to have included the user initiates a session with the agent via an instant messaging system; and the user and the agent interactively communicate during said session via the instant messaging system to create the requisition order as taught by

Katzman for the advantage of providing real-time interaction between the provider and the customer, therefore improving the efficiency of processing an order.

9. **As per claims 2**, Chou further teaches the user submitting the order to the requisition system (Chou: paragraphs 0046-0049); and providing the agent with access to the requisition system to transmit information to and to receive information from the requisition system (Chou: Fig. 1; paragraph 0025).

10. **As per claims 3**, Chou further teaches the step of the agent, in response to identifying the transmitted inquiry, accessing the requisition system to obtain an answer to the transmitted inquiry (Chou: paragraphs 0025; 0044-0048).

11. **As per claims 4**, Chou further teaches wherein the step of the user transmitting to the agent one of said set of inquiries includes the step of the user using the system to transmit to the agent said one of the set of inquiries (Chou: paragraphs 0009; 0011; 0024; 0045).

12. Chou does not explicitly teach using instant messaging.

13. Katzman teaches a user requests an order of goods by sending an instant message to a number of suppliers (Katzman: paragraph 0099).

14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Chou in view of Katzman to have included using instant messaging as taught by Katzman for the advantage of providing real-time interaction between the provider and the customer, therefore improving the efficiency of processing an order.

15. **As per claims 5**, Chou further teaches wherein the step of the user initiating a session with the agent includes the step of the user transmitting to the agent a request to initiate

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preparation of the requisition order (Chou: paragraph 0046); the step of the agent preparing the associated response includes the step of the agent preparing a set of prompts to obtain information from the user about the requisition order (Chou: paragraph 0046 – The agent provides an item search page having text entry fields for one or more searchable parameters.); and the step of using the system includes sending the set of prompts to the user (Chou: paragraph 0046).

16. Chou does not explicitly teach using instant messaging.

17. Katzman teaches using instant messaging (Katzman: paragraphs 0099-0100).

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Chou in view of Katzman to have included using instant messaging as taught by Katzman for the advantage of providing real-time interaction between the provider and the customer, therefore improving the efficiency of processing an order.

19. **As per claims 6**, Chou further teaches the steps of: the user, in response to receiving the set of prompts, providing said information to the agent (Chou: paragraph 0046); and the agent using said provided information to complete the requisition order, and sending the completed requisition order to a given requisition system (Chou: paragraphs 0046-0049; 0052).

20. **As per claim 19**, Chou teaches a method of creating and providing information about a requisition order, comprising the steps:

providing an automated agent for receiving and identifying a set of inquiries about the requisition order, and for each identified inquiry, preparing an associated response (Chou: Fig. 1,

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“110” and “118”; Fig. 3, “322”; paragraphs 0008, 0025-0026, “web server software”; 0033-0034);

using an application program interface for connecting the agent with the system (Chou: paragraphs 0013; 0033);

a user transmitting one of said set of inquiries utilizing the system (Chou: paragraphs 0009; 0011; 0024; 0045-0046);

the agent receiving said one of the inquiries utilizing said application program interface (Chou: Fig. 3; paragraphs 0013; 0025; 0033-0035; 0045-0046);

the agent identifying said one of the inquiries and preparing the associated response (Chou: paragraphs 0025; 0045);

using the application program interface to send said associated response from the agent to the user via the system (Chou: paragraphs 0033-0035; 0045).

21. Chou does not explicitly teach the user initiates a session with the agent via an instant messaging system; and the user and the agent interactively communicate during said session via the instant messaging system to create the requisition order.

22. Katzman teaches an electronic concession stand application that provides users with the ability to order items via a network (Katzman: paragraphs 0026; 0028). Katzman further teaches a user requests an order of goods by sending an instant message to a number of suppliers (Katzman: paragraph 0099). In response, Katzman further teaches a supplier sends an instant message back to the user with details of the requested order (Katzman: paragraph 0100).

23. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Chou to have included the user initiates a session with

the agent via an instant messaging system; and the user and the agent interactively communicate during said session via the instant messaging system to create the requisition order as taught by Katzman for the advantage of providing real-time interaction between the provider and the customer, therefore improving the efficiency of processing an order.

24. **As per claim 20**, Chou further teaches using a database connection program to connect the agent with the requisitioning system and to enable the agent to send messages to and to receive data from said requisitioning system (Chou: Fig. 3, “332”; paragraph 0036).

25. **As per claim 21**, Chou in view of Vega teaches the method of claim 20 as described above. Chou further teaches said one of the inquiries asks for specific information from the requisitioning system (Chou: paragraphs 0045-0046); the step of the agent preparing the associated response includes the step of, the agent using the database connection program to access the requisitioning system to obtain said specific information (Chou: paragraph 0036); and the step of using the application program interface to send the response to the user includes the steps of the agent sending said specific information to the application program interface (Chou: paragraphs: 0033-0035; 0045), and said application program interface sending said specific information, via the system, to the user (Chou: paragraphs: 0033-0035; 0045).

26. Chou does not explicitly teach using instant messaging.

27. Katzman teaches using instant messaging (Katzman: paragraphs 0099-0100).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Chou in view of Katzman to have included using instant messaging as taught by Katzman for the advantage of providing real-time interaction



between the provider and the customer, therefore improving the efficiency of processing an order.

29. **As per claim 22**, Chou further teaches wherein said one of the inquiries asks for the status of the requisition order (Chou: paragraph 0045).

30. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chou, U.S. Publication No. 2002/0099796 in view of Katzman et al., U.S. Publication No. 2002/0046051 and further in view of Monteleone et al., U.S. Patent No. 7,184,973.

31. **As per claim 23**, Chou further teaches the agent provides to the user a Website where the user can get more information about the requisition order (Chou: paragraphs 0024-0026; Chou does not explicitly teach providing an address of the website. However, it would have been obvious to one of ordinary skill in the art to have modified the method of Chou to have included providing an address of the website for the advantage of conveniently providing a user the direct link to the website.);

32. Katzman teaches using the instant messaging system to send the associated response, but does not explicitly teach i) the agent returning to the user a list of order identifications for the user, and ii) the agent sending to the user a list of approvers currently assigned to the requisition order.

33. Monteleone teaches a user receives via a network a list of product identifications and suppliers for an order (Figs. 8-10 and 20; col. 5, lines 13-18; col. 10, lines 44-54).

34. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Chou in view of Katzman to have included i) the agent

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returning to the user a list of order identifications for the user, and ii) the agent sending to the user a list of approvers currently assigned to the requisition order as taught by Monteleone for the advantage of tracking the status of a product order.

### *Conclusion*

35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The Examiner has cited particular portions of the references as applied to the claims above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or

part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Liou whose telephone number is (571)270-1359. The examiner can normally be reached on Monday - Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric Liou/  
Examiner, Art Unit 3628

/JOHN W HAYES/  
Supervisory Patent Examiner, Art Unit 3628